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2013 SEP 26 PM 12: 52

**CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE**

BY: _____

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13 Nancy Vance

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 EASTERN DIVISION

ED CV 13 - 01752

17 Nancy Vance,

Case No.:

18
19 Plaintiff,

20 vs.

21 Diversified Adjustment Bureau, Inc.; and
22 DOES 1-10, inclusive,

23 Defendants.
24
25
26
27
28

**COMPLAINT FOR DAMAGES
1. VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT,
15 U.S.C. § 1692 ET. SEQ;
2. VIOLATION OF FAIR DEBT
COLLECTION PRATICES ACT,
CAL.CIV.CODE § 1788 ET. SEQ.**

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

1 For this Complaint, the Plaintiff, Nancy Vance, by undersigned counsel, states
2 as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to
8 collect a consumer debt.
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 4. The Plaintiff, Nancy Vance (hereafter "Plaintiff"), is an adult individual
18 residing in Running Springs, California, and is a "consumer" as the term is defined by
19 15 U.S.C. § 1692a(3).
20

21 5. Defendant, Diversified Adjustment Bureau, Inc. ("Diversified"), is a
22 Minnesota business entity with an address of 600 Coon Rapids Boulevard, Coon
23 Rapids, Minnesota 55433, operating as a collection agency, and is a "debt collector"
24 as the term is defined by 15 U.S.C. § 1692a(6).
25
26
27
28

1 6. Does 1-10 (the “Collectors”) are individual collectors employed by
2 Diversified and whose identities are currently unknown to the Plaintiff. One or more
3 of the Collectors may be joined as parties once their identities are disclosed through
4 discovery.
5

6 7. Diversified at all times acted by and through one or more of the
7 Collectors.
8

9 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

10 **A. The Debt**

11 8. The Plaintiff allegedly incurred a financial obligation (the “Debt”) to
12 Verizon (the “Creditor”).
13

14 9. The Debt arose from services provided by the Creditor which were
15 primarily for family, personal or household purposes and which meets the definition
16 of a “debt” under 15 U.S.C. § 1692a(5).
17

18 10. The Debt was purchased, assigned or transferred to Diversified for
19 collection, or Diversified was employed by the Creditor to collect the Debt.
20

21 11. The Defendants attempted to collect the Debt and, as such, engaged in
22 “communications” as defined in 15 U.S.C. § 1692a(2).
23

24 **B. Diversified Engages in Harassment and Abusive Tactics**

25 12. Within the last year, Diversified called Plaintiff’s daughter in an attempt
26 to collect the Debt from Plaintiff.
27
28

1 13. Diversified left several voice messages for Plaintiff's daughter stating
2 that Diversified was attempting to collect the Debt from Plaintiff.

3
4 14. Plaintiff's daughter is not a co-signer and is in no way responsible for the
5 repayment of the Debt.

6 15. The disclosure of Plaintiff's private affairs to her daughter caused
7 Plaintiff to feel embarrassed and humiliated and was in violation of the FDCPA.
8

9
10 **COUNT I**
11 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**
12 **15 U.S.C. § 1692, et seq.**

13 16. The Plaintiff incorporates by reference all of the above paragraphs of this
14 Complaint as though fully stated herein.

15 17. The Defendants communicated with individuals other than the Plaintiff,
16 the Plaintiff's attorney, or a credit bureau, in violation of 15 U.S.C. § 1692c(b).

17 18. The Defendants engaged in behavior the natural consequence of which
18 was to harass, oppress, or abuse the Plaintiff in connection with the collection of a
19 debt, in violation of 15 U.S.C. § 1692d.

20 19. The Defendants used unfair and unconscionable means to collect a debt,
21 in violation of 15 U.S.C. § 1692f.
22

23 20. The foregoing acts and omissions of the Defendants constitute numerous
24 and multiple violations of the FDCPA, including every one of the above-cited
25 provisions.
26
27
28

1 28. The Plaintiff is entitled to damages as a result of the Defendants'
2 violations.
3

4 **PRAYER FOR RELIEF**

5 WHEREFORE, the Plaintiff prays that judgment be entered against the
6 Defendants:
7

8 A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the
9 Defendants;
10

11 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A)
12 against the Defendants;
13

14 C. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.
15 § 1692k(a)(3) against the Defendants;
16

17 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
18

19 E. Statutory damages of \$1,000.00 for knowingly and willfully committing
20 violations pursuant to Cal. Civ. Code § 1788.30(b);
21

22 F. Actual damages from the Defendants for the all damages including
23 emotional distress suffered as a result of the intentional, reckless, and/or
24 negligent FDCPA violations and intentional, reckless, and/or negligent
25 invasions of privacy and intentional infliction of emotional distress in an
26 amount to be determined at trial for the Plaintiff;
27

28 G. Punitive damages; and

1 H. Such other and further relief as may be just and proper.
2

3 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
4

5 DATED: September 26, 2013

TAMMY HUSSIN

6 
7

8 By: _____
9 Tammy Hussin, Esq.
10 Lemberg & Associates, LLC
11 Attorney for Plaintiff, Nancy Vance
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Nancy Vance

PLAINTIFF(S)

v.

Diversified Adjustment Bureau, Inc.; and DOES 1-10, inclusive,

DEFENDANT(S).

CASE NUMBER

ED CV 13 - 01752 JAK (OPX)

SUMMONS

TO: DEFENDANT(S): Diversified Adjustment Bureau, Inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Tammy Hussin, Esq., Lemberg & Associates, LLC, whose address is 6404 Merlin Drive, Carlsbad, CA 92011. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

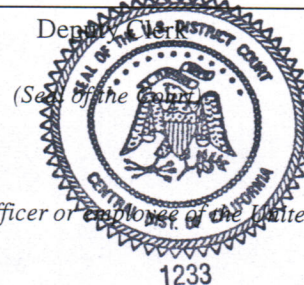
Clerk, U.S. District Court

Dated: _____

SEP 26 2013

By: _____

A. COBIAN



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge John A. Kronstadt and the assigned Magistrate Judge is Oswald Parada.

The case number on all documents filed with the Court should read as follows:

5:13-cv-01752-JAK-OPx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 26, 2013

Date

By A. COBIAN
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.